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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER CIVITELLO,

Plaintiff,

v.

1<sup>st</sup> CREDIT OF AMERICA, LLC.; JOHN  
 DOE, an individual, DOE ABC COMPANY;  
 and DOES 3 through 20, inclusive;

Defendants

Civil Case No.: C 05-04944 WHA

**STIPULATION AND PROPOSED  
 ORDER TO EXTEND THE  
 DISCOVERY CUT-OFF**


The non-expert discovery cut-off date is currently September 29, 2006; and there is good cause to extend the non-expert discovery cut-off date. The extension is necessary for both parties to adequately prepare for trial and increase the likelihood of settlement. Specifically, Plaintiff is in the process of supplementing his responses to Defendant's document requests and represents that he will complete his document production by October 3, 2006. Defendant has indicated that it may wish to conduct further discovery once that production has been made.

Plaintiff has also requested production of documents and other information from Defendant which is still forthcoming. Further, Plaintiff requires additional time to conduct the deposition of Defendant's 30(b)(6) witness. Also, a document that raises questions about the money owed on the alleged debt that Defendant sought to collect from Plaintiff has surfaced. This would require the deposition of a third party to

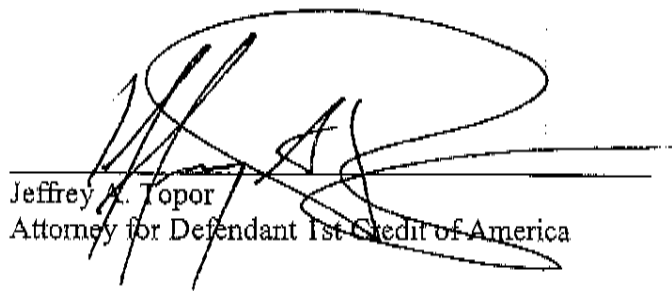
1 gain insight into the charges assessed and expunged. Extending the non-expert discovery cut-off will not  
2 affect the current trial date of February 5, 2007.

3  
4 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the following parties in the  
5 interests of justice that the discovery cut-off should be extended to November 3, 2006. The parties further  
6 agree that faxed signatures are acceptable for purposes of this stipulation.

7 DATED: September 28, 2006

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9   
10 Eric F. Fagan  
11 Attorney for Plaintiff

12 DATED: September 28, 2006


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15 Jeffrey A. Topor  
16 Attorney for Defendant 1st Credit of America

17  
18 **ORDER**

19  
20 Pursuant to the stipulation of the parties and good cause appearing therefore, the discovery cut-off is  
21 extended to November 3, 2006. No further extensions will be granted. All other deadlines will remain  
22 unchanged.

23 IT IS SO ORDERED

24  
25 Dated: October 11, 2006

26   
27 Hon. William H. Alsup  
28 United States District Judge